

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONYAL STERN,

Plaintiff

-against-

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

16 Civ. 4250 (LAP) (KHP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On October 8, 2020, United States Magistrate Judge Katharine Parker issued a Report and Recommendation (dkt. no. 37) recommending that Plaintiff's counsel's motion for attorneys' fees and costs (dkt. no. 33) be granted pursuant to 42 U.S.C. § 406(b). Magistrate Judge Parker recommended that counsel be awarded fees in the amount of \$14,846, equal to fees of \$21,846 reduced by \$7,000, the amount that Plaintiff's counsel previously was awarded pursuant to the Equal Access to Justice Act ("EAJA"). The Commissioner of Social Security did not oppose an award of fees but contended that any award be reduced to account for the prior receipt of EAJA fees.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When no objections to a Report and

Recommendation are timely lodged, the "district court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, hereby adopts Magistrate Judge Parker's Report and Recommendation in its entirety for the reasons stated therein.

Accordingly, the motion for approval of attorneys' fees (dkt. no. 33) is granted in the amount of \$14,846. The Clerk of Court is directed to close the open motion.

SO ORDERED.

Dated: New York, New York
March 2, 2021



LORETTA A. PRESKA
Senior United States District Judge